

**Editorial Notes**

## CODIFICATION

The original text of this section referred to both registers and receivers, but reference to the latter was omitted in view of the abolition of such office under acts Oct. 28, 1921, and Mar. 3, 1925, which provided for the consolidation of the two offices under a register only. See, also, Transfer of Functions note below.

**Executive Documents**

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

“Officers of district land offices designated by the Secretary of the Interior” substituted for “Registers of the land office, or either of them,” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

**§ 103. Witnesses’ fees**

Witnesses shall have the right to receive their fee for one day’s attendance and mileage in advance. The fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing.

(Jan. 31, 1903, ch. 344, § 2, 32 Stat. 790.)

**§ 104. Disobedience to subpoena**

Any person willfully neglecting or refusing obedience to such subpoena, or neglecting or refusing to appear and testify when subpoenaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by indictment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than \$200, or imprisonment not to exceed ninety days, or both, at the discretion of the court: *Provided*, That if such witness has been prevented from obeying such subpoena without fault upon his part he shall not be punished under the provisions of this section.

(Jan. 31, 1903, ch. 344, § 3, 32 Stat. 790; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

**Editorial Notes**

## CODIFICATION

Act Mar. 3, 1911, conferred the powers and duties of the former circuit courts upon the district courts.

**§ 105. Depositions of witnesses residing outside county**

Whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness’s residence in the form of depositions by giving ten days’

written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States magistrate judge, notary public, judge, or clerk of a court of record. Subpoenas for witnesses before the officer taking depositions may issue from the office of the officer designated by the Secretary of the Interior or may be issued by the officer taking the depositions, and disobedience thereof, as defined in section 104 of this title, shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpoena to appear before the officer designated by the Secretary of the Interior and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

(Jan. 31, 1903, ch. 344, § 4, 32 Stat. 790; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

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**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

“United States magistrate judge” substituted in text for “United States magistrate” pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

**Executive Documents**

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Words “officer designated by the Secretary of the Interior” substituted for “register” on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

**§ 106. Continuing taking of depositions in behalf of opposite party**

Whenever the taking of any depositions taken in pursuance of section 105 of this title is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and be-

fore the same officer: *Provided*, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions of his intention to do so.

(Jan. 31, 1903, ch. 344, § 5, 32 Stat. 791.)

### § 107. Penalty for false information

If any person applies to any officer designated by the Secretary of the Interior to enter any land whatever, and the officer knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such officer shall be liable therefor, to the person so applying, for \$5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

(R.S. § 2247; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### Editorial Notes

##### CODIFICATION

R.S. § 2247 derived from act July 4, 1836, ch. 352, § 13, 5 Stat. 112.

#### Executive Documents

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References to "register" changed to "officer designated by the Secretary of the Interior" and "officer" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

## CHAPTER 5—LAND DISTRICTS

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|-------|---|
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| 121.  | Discontinuance of land offices by President.  |
| 122.  | Discontinuance of land offices by Secretary of the Interior.  |
| 123.  | Continuance of land offices when required by public convenience.  |
| 123a. | Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices. |
| 124.  | Consolidation of land offices.  |
| 125.  | Annexation of discontinued district to adjacent district.   |
| 126.  | Change of location of land offices.   |
| 127.  | Change of boundaries of land districts.   |
| 128.  | Division or change of boundaries; continuance of business of original district.   |
| 129.  | Office rent and clerk hire for consolidated land offices.   |
| 130.  | Entry of public lands in States where no land offices exist.  |

### § 121. Discontinuance of land offices by President

Upon the recommendation of the Secretary of the Interior, the President may order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory.

(R.S. § 2252; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### Editorial Notes

##### CODIFICATION

R.S. § 2252 derived from act May 30, 1862, ch. 86, § 5, 12 Stat. 409.

#### Executive Documents

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Words "the Commissioner of the General Land Office, approved by" omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

##### DELEGATION OF FUNCTIONS

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

### § 122. Discontinuance of land offices by Secretary of the Interior

Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land office, the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued, of which the Secretary of the Interior shall give notice.

(R.S. § 2248.)

#### Editorial Notes

##### CODIFICATION

R.S. § 2248 derived from act June 12, 1840, ch. 36, § 2, 5 Stat. 385.

#### Executive Documents

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### § 123. Continuance of land offices when required by public convenience

The Secretary of the Interior may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land system in such State.

(R.S. § 2249.)

#### Editorial Notes

##### CODIFICATION

R.S. § 2249 derived from act Sept. 4, 1841, ch. 16, § 7, 5 Stat. 455.